IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.833 OF 2005

Jagdish Manoharlal Bhatia ... Applicant

versus

Sr.Insp.of Police, Ayesha Nagar
Police Station, Malegaon & anr. ... Respondents

...

Mr.V.S. Rajguru, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

21st February 2005

P.C.:

. As per the directions, the concerned police officer is personally present in Court and has offered explanation about his inability to attend the Court on the previous date of hearing, to the effect that no communication was received by him. On the subsequent occasion, he reached

the Court, but by that time, the matter was already adjourned. In view of this explanation, no further orders are necessary against the concerned police officer.

. Perused the Note submitted by Registrar (Judicial). The same is accepted.

. Heard Counsel for the parties on the merits of the matter. Perused the F.I.R. The argument is that the basic ingredient of inducement has not been stated in the F.I.R. It is well-settled that all the ingredients need not be stated in the F.I.R. In my opinion, on fair reading of the F.I.R., it does make out a case for action under section 420, Indian Penal Code. Suffice it to observe that not a case for anticipatory bail having regard to the fact that the case of the complainant is that the cheque in question was issued in his favour by the accused. By virtue of section 138 of the Negotiable Instruments Act, there is a legal presumption. Taking overall view of the matter, not a case for anticipatory bail. Rejected.

(A.M.KHANWILKAR,J.)